

## **REMARKS**

The Examiner's Office Action dated August 10, 2006 has been received and carefully considered.

Applicant has cancelled 1-2, 4-6, 11 and 25. Furthermore, Applicant has amended Claims 18, 26-28 and 31. Claims 32-35, 37-45 have been added. Claims 18 and 37 are the independent claims. Claims 19-21, 23, 28 and 30-32 depend upon Claim 18. Claim 22 depends upon Claim 21, while Claims 24, 26 and new Claims 33-34 depend upon Claim 20. Claim 29 depends upon Claim 28. Claims 31 and 35 depend upon Claim 30. Claims 38 and 39 depend upon Claim 37. Claims 40-42 and 44 depend upon Claim 39, Claim 43 depends upon Claim 42 and Claim 45 depends upon Claim 43. Claims 18-24 and 26-45 remain pending.

1. The Examiner rejected Claims 1-15 and 18-24 as allegedly being anticipated under 35 U.S.C. §102 (b). The Examiner cites Frank et al., U.S. Patent 6,186,892 to support the Examiner's assertions. The Examiner alleges that Frank et al. '892 shows a gaming apparatus having a random number generator in a gaming machine which is allegedly capable of generating a plurality of bingo cards where a player is permitted to pre-select a player pattern. The random generator of Fig. 4 as cited by the Examiner is shown as a spinning wheel including a plurality of numbers and a plurality of BINGO letters associated with the numbers.

In response, Applicant respectfully submits that Frank et al. '892 does not disclose a gaming machine as envisioned by Applicant, but instead uses a variety of broadcasting mediums to allow bingo players to participate in a bingo game to obtain results from a bingo game rather than being assembled in a specific location. At best according to Frank et al. '892 "stand alone video games programmed with the aforesaid prize structure enable people to play bingo privately". However, according to disclosure of the Frank et al. '892

bingo game with the aforesaid prize structure is a game where the bingo players have to fill out the bingo numbers on a blank bingo card prior to playing the bingo game, which clearly differs from Applicant's randomly generated bingo cards which has randomly generated bingo numbers thereon and from which one or more players chooses their bingo cards prior to playing the bingo game. Frank et al. '892 does not teach generating a plurality of bingo cards comprising randomly generated bingo numbers to play a diminishing returns bingo game because Frank et al. '892 explicitly states that current bingo games are dishonest. Simply put, compared to Applicant's unique and non-obvious diminishing returns bingo game, Frank et al. '892 has a different bingo game because Frank et al. '892 first requires that a player fill out a blank bingo card having no numbers thereon, then register the bingo card with an operator, followed by a process which randomly generates bingo numbers. Applicant instead randomly generates bingo cards having randomly generated bingo numbers thereon, followed by one or more players selecting at least one of the bingo cards having the pre-filled randomly generated bingo numbers, followed by a process of randomly generating bingo numbers to match to the bingo numbers of one or more players pre-selected bingo patterns for each bingo card selected by the one or more players. Applicant's diminishing returns bingo game clearly is readily amenable to play on a gaming machine as uniquely disclosed and claimed by Applicant.

2. With respect to independent Claims 1 and 18 the Examiner alleges the features of an apparatus may be recited either structurally or functionally and claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function.

3. In response, Applicant notes that Claim 18 is a method claim and therefore does not depend on the features or functions of an apparatus. In order to expedite examination of this Application, Applicant has cancelled

Claim 1-2, 4-6 and 11 without prejudice or further disclaimer and therefore the rejection of Claim 1 is now moot.

Furthermore, the Examiner has objected to dependent Claim 25 which is dependent on independent Claim 18 and indicated that if Claim 18 is rewritten in independent form then the resulting Claim would be allowable. Applicant thanks the Examiner for his suggestion and has complied by rewriting independent Claim 18 by merging previously presented dependent Claim 25 with previously presented Claim 18. Claim 26 has been amended to provide an antecedent basis for the term “quantity of awards” and Claim 28 has been amended to comport with the previously written element “at least on gaming machine” merely as a matter of form. All intervening previously presented dependent Claims 19-24 and 29-30 and currently amended Claims 26-28 and Claim 31 now depend upon Applicant’s unique and non-obvious amended independent Claim 18 which the Examiner has indicated would be allowable. Therefore dependent Claims 19-24, 26-31 should also be allowable.

Applicant has submitted new dependent Claims 32-36 which were previously examined and presented as various aspects of cancelled Claims 2, 4-6 and 11 and have been rewritten as method claims ultimately dependent on rewritten dependent Claim 18. Therefore dependent new Claims 32-36 should also be allowable.

Furthermore, new independent Claim 37 has been submitted and has the same features as allowable rewritten independent Claim 18 except that Applicant has recognized that the term “plurality” does not ordinarily include the possibility of “at least one”. Applicant respectfully submits that the Examiner’s cited references and any other references do not have the features of “at least one” as shown in Applicant’s unique and non-obvious independent new Claim 37. Applicant has also submitted new dependent Claims 38-45 which ultimately depend upon independent new Claim 37 and have been

previously submitted and examined by the Examiner in the context of previously presented Claims.

Applicant has not added any new matter whatsoever with respect to all Claims currently submitted.

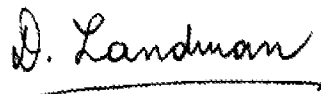
Applicant thanks the Examiner for his thorough examination of Applicant's unique and non-obvious features as claimed herein.

Accordingly, Applicant submits that the Examiner's rejection of Claims 18-24 and 26-31 under 35 U.S.C. §102 (b) has been overcome and respectfully requests withdrawal of these rejections. Furthermore, Applicant earnestly requests that new Claims 32-45 also be allowed based on the above remarks since Applicant respectfully submits new Claims 32-45 do not require any burden for further search or examination.

Since Applicant originally had three independent claims and twenty-four dependent claims, and now has two independent claims and twenty-five dependent claims no fees are due.

If somehow there are any fees incurred by this Amendment Letter, please notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "D. Landman". The signature is written in a cursive style and is underlined with a single horizontal line.

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